

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

DIRK P. HARVEY,

Plaintiff,

v.

No. 02-CV-1329  
(FJS/GHL)

JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

**APPEARANCES:**

**OF COUNSEL**

OLINSKY & DI MARTINO  
Counsel for Plaintiff  
186 West First Street  
Historic First National Bank  
Oswego, New York 13126

HOWARD D. OLINSKY, ESQ.

HON. GLENN T. SUDDABY  
United States Attorney  
for the Northern  
District of New York  
Counsel for Defendant  
Post Office Box 7198  
900 Federal Building  
Syracuse, New York 13261-7198

WILLIAM H. PEASE, ESQ.  
Assistant U.S. Attorney

**FREDERICK J. SCULLIN, JR., C.D.J.:**

**DECISION AND ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge George H. Lowe filed January 5, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

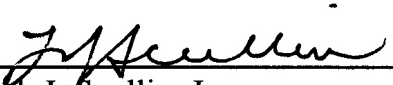
objections to said Report-Recommendation having been filed, it is hereby

**ORDERED**, that the Report-Recommendation of Magistrate Judge George H. Lowe filed January 5, 2006 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

**ORDERED**, that this matter is **REMANDED** to the Commissioner for further proceedings.

**IT IS SO ORDERED.**

DATED: January 24, 2006  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Chief United States District Court Judge